

REMARKS

Claims 1-6, 8-16 and 18-20 are pending. The Examiner's reconsideration of the rejections is respectfully requested in view of the remarks.

Claims 1-6, 8-16 and 18-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (USPN 6,484,148). The Examiner stated essentially that Boyd teaches or suggests all the limitations of Claims 1-6, 8-16 and 18-20.

Claims 1, 14, and 20 are the independent claims.

Claim 1 claims, *inter alia*, "preventing the display of a second portion of the content according to a second satisfied rule of the two triggered rules, wherein the second satisfied rule overrides all other rules for the display of the second portion of the content."

As an initial matter, Applicants strongly object to the Examiner's misinterpretation of the Applicants' prior remarks; Applicants decidedly did not state that "there is no patentably distinct difference between a rule written as logically positive as opposed to a rule written as logically negative" as suggested in the Response to Arguments. To reiterate the prior remarks, there is no requirement that the rule be logically positive or negative.

Furthermore, the Response to Arguments is couched in terms of positive and negative rules. To reiterate the prior remarks, the claimed "second satisfied rule" is not necessarily a logical negative, essentially as suggested by the Examiner, but a rule that prevents the display of control. The scenario presented in the Response to Arguments, i.e., "a logically positive rule such as 'display content if the user is a male' can also be written as a logically negative rule such

as ‘do not display content if the user is not a male’, or written another way ‘do not display content if the user is a female’”, is not supported by the reference. Consider the following:

Boyd teaches using conditions for determining whether to display content (see column 13, lines 22-28). Boyd does not teach “preventing the display of a second portion of the content according to a second satisfied rule of the two triggered rules” as claimed in Claim 1. Boyd exclusively teaches using conditions for determining whether to display content. There is no teachings or suggestion of conditions for determining whether to prevent the display content. Therefore, Boyd fails to teach all the limitations of Claim 1.

The Examiner’s explanation of positive and negative rules does not cure the defects of the cited reference. Indeed, there is nothing to prevent the simultaneous display of content for men and women. The examples suggested by the Examiner are never-the-less used in the display of content – the suggested negative form rules do not prevent the display of content. Claim 1 has been further distinguished from Boyd, in that the claimed preventative rule overrides rules for the display of content.

Claim 14 claims, *inter alia*, “determining a variable monetary charge based on the content displayed and a combination of values associated with each of the satisfied rules which triggered the display of the content, wherein different rules having different values.”

Boyd teaches a ranking function to determine the optimal ad to display to two or more persons, wherein the optimal ad is determined by the advertising fees generated by displaying the advertisements and/or the strength of the match between the advertisement profile and the consumer profiles (see col. 8, lines 46-51). Boyd does not teach “determining a variable monetary charge based on the content displayed and a combination of values associated with

each of the satisfied rules which triggered the display of the content, wherein different rules having different values” as claimed in Claim 14.

In the Response to Arguments, the Examiner suggested that the “Applicant is attempting to interpret the limitations of the claim in a more narrow fashion than required by the claim limitations.” Respectfully, the claimed limitation clearly states that “a combination of values associated with each of the satisfied rules which triggered the display of the content.”

Boyd links fees only with the ads themselves – the fees have no connection with the described rank. That is, fees do not vary based on higher or lower ranks. In the claimed invention, the variable monetary charge is based on the content displayed and a value associated with each of the satisfied rules, which triggered the display of the content. Boyd’s rank is a measure used in selecting content; a rank is not a rule that may be satisfied. Therefore, Boyd’s rank is not analogous to the claimed rule capable of being satisfied. For at least the forgoing reasons, Boyd fails to teach all the limitations of Claim 14.

Claim 20 claims, *inter alia*, “determining the variable fee dynamically for each display of the content according to a combined value of the device parameters currently satisfying the triggered rule.”

As an initial matter, the Examiner suggests that the claims as currently written are broad enough to encompass one device parameter being used. The Examiner is apparently looking to the limitation which recites “at least one device parameter is updated in response to detecting.” However, the limitation being argued here requires “a combined value”; clearly than, the claim, when taken as a whole, requires at least two device parameters currently satisfying the triggered rule. In view of the foregoing, the prior remarks are reiterated below:

Boyd teaches simultaneously receiving multiple signals and providing targeted advertisements based on the signal having the most attractive consumer profile, creating a composite profile based on a cross-section of multiple consumer profiles retrieved simultaneously, and performing a ranking function to determine the optimal ad to display to two or more persons (see col. 8, lines 23-65). Boyd fails to teach or suggest “determining the variable fee dynamically for each display of the content according to a combined value of the device parameters currently satisfying the triggered rule” as claimed in Claim 20. Boyd associates fees with ads only (see col. 12, lines 45-51). Since the fees are associated only with ads, a combined value cannot be determined – no two ads may be displayed simultaneously. Furthermore, assuming, *arguendo*, the Examiner’s interpretation of Boyd as suggesting a variable charge based on rank, only one rank is associated with any ad. Therefore, the concept of combined values is not capable of being implemented in conjunction with the methods taught by Boyd. Therefore, Boyd fails to teach all the limitations of Claim 20.

Claims 2-6 and 8-13 depend from Claim 1. Claims 15, 16, 18, and 19 depend from Claim 14. The dependent claims are believed to be allowable for at least the reasons given for Claims 1 and 14. Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the application, including Claims 1-6, 8-16 and 18-20, is believed to be in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Respectfully submitted,

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